



Appeal Decision

Site visit made on 1 February 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal Ref: APP/R4408/D/21/3288770

388 Burton Road, Monk Bretton, Barnsley S71 2QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Aurora Montgomery against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/1196, dated 1 September 2021, was refused by notice dated 23 November 2021.
 - The development proposed is a single storey rear disabled bedroom and shower.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the neighbours at 380 and 390 Burton Road in terms of light and outlook.

Reasons

3. The appeal property is situated at the end of a stone fronted narrow two-storey terrace. The adjoining neighbouring dwelling is 390 Burton Road. To the opposite side is 380 Burton Road, which is a more modern stone fronted semi-detached dwelling with drive. To the rear of these properties are relatively long gardens which step up to a small back lane which leads to Fish Dam Lane. The appeal property has a short single storey extension with flat roof and a garden which is paved and steps up to meet the lane.
4. The proposal comprises a single storey brick finished rear extension with tiled pitched roof. It would extend some 7.03m from the rear of the single-storey extension. It would have a door and window to the side elevation facing No 390 and a window to the elevation facing No 380. All glazing would be obscured glass.
5. Guidance on the appropriateness and design of rear extensions is provided in both the Barnsley Local Plan Supplementary Planning Document House Extensions and Other Domestic Alterations 2019 (SPD) and the South Yorkshire Residential Design Guide 2011 (SYRDG).
6. No 390 has a rear patio area with stepped and planted garden. Its outlook is onto the garden and the appeal site's high close boarded and painted timber fence boundary. This fence follows, on a concrete/masonry plinth, the ground profile and rises to the lane. It significantly screens the appeal property. The proposal would remove the fence and be built up to the boundary. This would

result in the outlook from No 390 being on to a large expanse of brick wall. This would exceed the SPD recommended extension length and be within the SYRDG 45 degree rule. Even with the garden view, the proposal would be much more overbearing, and dominant compared to the fence and would significantly harm the occupiers of No 390's outlook.

7. The outlook to the rear of No 380 is onto a stepped, grassed and planted garden. There is a high brick wall to the appeal property's boundary. The wall is partly covered in vegetation and has a small timber trellis to its top. This wall rises in steps and follows the appeal property's garden profile. Whilst the proposal would exceed the SPD's recommended extension length and be within the SYRDG 45 degree rule, the existing wall would screen the house at No 380 from the proposal. Therefore, the proposal would have negligible effect on the outlook of the occupiers of No 380.
8. The rear of the properties have a northerly aspect and the gardens receive little direct sunlight due to this orientation and the existing high brick wall and fence on the boundaries. As such the proposal would have negligible impact on light to and overshadowing of the neighbouring properties at Nos 380 and 390.
9. I am mindful of the Public Sector Equality Duty (PSED) arising from section 149 of the Equality Act 2010. This requires me to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. Amongst other things, for the purposes of the Equality Act, protected characteristics include disability. I am satisfied that the current occupier of the appeal property has a protected characteristic for the purposes of applying the PSED.
10. I have given careful consideration to the appellant's personal circumstances in this case. While I recognise the importance of having sufficient, appropriate living space and note the physical constraints on the extension's design, it has not been shown that the specific accommodation needs cannot be met in another way. On the basis that an alternative could deliver similar benefits for the appellant, these personal circumstances do not outweigh the harm that I have found to the living conditions of the neighbouring occupants at No 390.
11. The appellant has drawn my attention to Barnsley Local Plan 2019 (Local Plan) Policy SD1 and the National Planning Policy Framework July 2021 (the Framework) with regard to the presumption in favour of sustainable development, specifically paragraph 11 and 38. While this point is noted, the Framework must be considered as a whole and the presumption in favour of sustainable development would not outweigh the harm I have found in respect of living conditions.
12. The appellant refers to examples of more obtrusive and dominant single-storey and two-storey extensions in the surrounding area, but I do not have full details of these and so cannot be certain that the circumstances are the same. In any case, this does not justify further harm and I have considered the proposal on its own merits.
13. Even though the occupants of Nos 380 and 390 have not objected to the proposal, the absence of objection does not render the scheme acceptable.

14. In conclusion, although I do not find harm to the living conditions of neighbouring occupiers of No 380 or to either neighbour's light, I find harm to the living conditions at No 390 with respect to outlook. This is contrary to Local Plan Policies GD1, D1 and the SPD and SYRDG. These policies and documents, amongst other matters, seek to ensure new development makes a positive contribution and does not adversely affect living conditions of existing and future residents.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR